



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Hari K. Ravichandran
Assignee: Sun Microsystems, Inc.
Title: Apparatus and Method for Processor Performance Monitoring
Serial No.: 10/056,244²
Filing Date: January 22, 2002
Examiner: Aaron D. Matthew
Group Art Unit: 2114
Docket No.: P2678
Customer No.: 33438

Austin, Texas
November 18, 2004

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

**TERMINAL DISCLAIMER TO OBVIATE A
DOUBLE PATENTING REJECTION OVER A PATENT**

Sir:

Petitioner, Sun Microsystems, Inc., a corporation having a place of business at Santa Clara, California is the owner of the entire interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,341,357. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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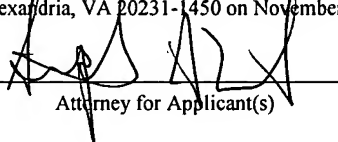
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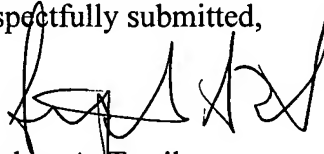
In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In compliance with 37 C.F.R. §1.20(d), enclosed is a check in the amount of \$110.00 for the terminal disclaimer fee. The commissioner is authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 502264.

The undersigned represents that he/she is authorized to sign on behalf of Petitioner.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 20231-1450 on November 18, 2004.	
 _____ Attorney for Applicant(s)	<u>11/18/04</u> _____ Date of Signature

Respectfully submitted,



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